

RULES REGULATING ADMISSION TO PRACTICE LAW IN CALIFORNIA

As Amended to March 5, 2005

RULE I. Committee of Bar Examiners: General Powers

Section 1. The examining committee appointed by the Board of Governors of the State Bar of California, the Senate Rules Committee, Speaker of the Assembly and by the Governor of the State of California pursuant to the provisions of The State Bar Act shall be known as the Committee of Bar Examiners of The State Bar of California. Except as otherwise indicated, the word "Committee" as used in these Rules refers to the Committee of Bar Examiners of The State Bar of California.

Section 2. The Committee shall have the power to examine all applicants for admission to practice law and to administer the requirements for admission to practice. The Committee shall certify to the Supreme Court of California for admission to practice law those persons, and only those persons who fulfill the requirements for admission to practice law provided in The State Bar Act and by these Rules.

Section 3. Meetings of the Committee may be held at such place in the State of California and at such time as may be fixed by the Committee. Meetings may also be held at the offices of the Committee in San Francisco or in Los Angeles at the call of the Chairperson, the Vice-Chairperson, or the Senior Executive for Admissions. Notice of the time and place of all meetings shall be given in accordance with the Board of Governors of the State Bar of California's Policies Governing Open Meetings, Closed Sessions and Records of Regulatory Committees.

Section 4. For the transaction of business, a quorum of the Committee shall consist of one-half of all members appointed and sitting plus one. However, less than that number may adjourn from day to day.

Section 5. The Committee may act in any matter by a subcommittee composed of not less than two Committee members subject to the right of an applicant, upon written application filed within 10 days after being notified of any determination made by such a subcommittee to have the same reviewed and determined by the Committee; provided that an applicant shall not have a right to a review by the Committee of a determination made by a subcommittee to refer an application for investigation.

Section 6. In the conduct of investigations and in the hearing of all matters, the Committee, or any subcommittee, or the State Bar Court may:

- (a) Take and hear relevant evidence.
- (b) Administer oaths and affirmations.
- (c) Compel, by subpoena, the attendance of witnesses and the production of relevant books, papers, and documents.

Section 7. Any member of the Committee, or of any subcommittee, or the State Bar Court may administer oaths and affirmations and issue subpoenas. No witness shall be compelled to attend a hearing unless the witness is a resident of the State of California at the time of service of the subpoena. Depositions may be taken and used in the same manner as in civil cases. Deposition expenses shall be borne by the party taking the deposition, except for any copy ordered by the opposing party.

Section 8. Whenever any person subpoenaed to appear and give testimony or to produce relevant books, papers, or documents refuses to appear or testify before the Committee, a subcommittee, or the State Bar Court or to answer any pertinent and proper question, or to produce such books, papers, or documents, he or she is in contempt of the Committee or of the State Bar Court. The Chairperson or presiding member of the subcommittee, or the State Bar

Court, shall report the fact that a person under subpoena is in contempt to the Superior Court of the State of California in and for the county in which the proceeding is being conducted for such proceedings against such person for so refusing to appear or testify as are provided by law.

Section 9. Written notices shall be given to an applicant of any determination affecting him or her; and written notice to appear before the Committee, a subcommittee or the State Bar Court shall be given to an applicant at least 15 days prior to the time fixed therein for his or her appearance. Written notice may be given by personal service or by mail, postage prepaid, addressed to the applicant at the address last furnished to the Committee by the applicant, and, if given by mail, shall be deemed to have been received by the addressee five days after deposit in the mails if the place of address is within the State of California, 10 days after deposit in the mails if the place of address is outside the State of California but within the United States, and 20 days after deposit in the mails if the place of address is outside the United States.

Section 10. An applicant for admission to practice law who has taken and fails the General Bar Examination, the Attorneys' Examination, or the Professional Responsibility Examination, or an applicant who has taken and fails the First-Year Law Students' Examination, has the right, within 120 days after the results thereof have been declared, to inspect his or her examination books, and the final grades assigned thereto, at the office of the Committee located nearest to the place at which such applicant took the examination. No applicant who passes an examination given by the Committee, other than the First-Year Law Students' Examination, shall be entitled to inspect his or her examination books, nor the grades assigned thereto; provided, however, the Committee may, in its discretion, assign grades and disclose them to applicants who pass the First-Year Law Students' Examination.

Section 11. Any person refused certification to the Supreme Court of California for admission to practice law may have the action of the Committee reviewed by the Supreme Court of California in accordance with the procedure prescribed therefor.

Section 12. The Committee is empowered to appoint subcommittees to facilitate the purpose and administration of these Rules.

Section 13. Unless specified otherwise in these rules, any form, letter, application or document shall be deemed filed with the Committee at the earlier of the following:

(1) When actually received in substantially complete form, as defined by the Committee, by the State Bar's Office of Admissions at its San Francisco or Los Angeles office; or

(2) On the date of the first postmark thereon if the form, letter, application or document is substantially complete as defined by the Committee and was placed in the United States mail postage prepaid and addressed to the State Bar's Office of Admissions at either its San Francisco or Los Angeles office.

Section 14. All applications, registrations and petitions of whatever nature filed with the Committee shall be verified or made under penalty of perjury in accordance with California Code of Civil Procedure Section 2015.5.

Section 15. The Committee may refund in whole or in part a fee paid pursuant to the provisions of The State Bar Act.

**Rule II. Admission to Practice Law:
General Requirements**

Section 1. To be eligible for certification by the Committee to the Supreme Court of California to practice law in California, all applicants must meet the following requirements:

- (a) Be of the age of at least 18 years;
- (b) Be of good moral character pursuant to the provisions of Rule X;
- (c) Complete the general education requirements pursuant to the provisions of Rule VII prior to commencing the study of law;
- (d) Register as a general applicant or attorney applicant;
- (e) Complete the legal education requirements prescribed in Rule VII prior to taking the California Bar Examination;
- (f) Qualify for and pass or establish exemption from the First-Year Law Students' Examination in accordance with the provisions of Rule VIII;
- (g) Pass the California Bar Examination and such examination in professional responsibility or legal ethics as determined by the Committee and as specified in Rule VIII; and,
- (h) Be in compliance with California court ordered child or family support obligations pursuant to Welfare and Institutions Code Section 11350.6.

RULE III. Categories of Applicants

Section 1. Applicants for admission to practice law in California are categorized as either general applicants or attorney applicants.

Section 2. A general applicant has not been admitted to practice law in any United States or foreign jurisdiction.

Section 3. An attorney applicant has been admitted to practice law in any United States or foreign jurisdiction.

RULE IV. Attorney Applicants

Section 1. All attorney applicants for admission to practice law in California must register with the Committee as specified in Rule V of these rules.

Section 2. An attorney applicant who has been admitted to practice in a sister state, or any United States jurisdiction, possession, territory, or dependency the United States hereafter acquires, may elect to take the Attorneys' Examination rather than the entire California Bar Examination provided that he or she has been an active member in good standing of the bar of the admitting state or jurisdiction, possession, territory or dependency for at least four years immediately preceding the first day of the administration of the California Bar Examination for which the applicant applied.

Section 3. Attorney applicants who have been admitted to practice in any jurisdiction other than the jurisdictions specified in Section 2 of this rule and attorney applicants who do not satisfy the admission requirements set forth in Section 2 of this rule shall be required to take the entire California Bar Examination.

RULE V. Registration

Section 1. All applicants seeking admission to practice law must register with the Committee prior to filing any applications, petitions, requests for waivers from these rules or before any services can be provided.

Section 2. General Applicants.

- (a) Every general applicant for admission to practice law in California shall register with the Committee not later than 90 days after he or she begins the study of law and shall pay the required fee. Every general applicant who registers later than 90 days after beginning the study of law shall pay a late fee in addition to the regular registration fee.
- (b) Registration required by this Section shall consist of the filing of a form that may inquire into the applicant's age, addresses, general education and legal education. The registration form must be completed under penalty of perjury.

Section 3. Attorney Applicants.

- (a) Every attorney applicant for admission to practice law in California shall register with the Committee prior to filing his or her initial Application to Take the California Bar Examination and pay the required fee.
- (b) Registration as required by this Section shall consist of the filing of a form that may inquire into the attorney applicant's age, addresses, general education, legal education, the active practice of law and admission to practice in other jurisdictions. The form must be completed under penalty of perjury.

Section 4. Registration Abandonment.

- (a) Registrations that haven't met all requirements for acceptance within 60 days of receipt will be abandoned. A registration will be deemed accepted when the requisite fees, signature, and all required documentation verifying eligibility has been provided.
- (b) No refund of fees will be paid in the event a registration is abandoned.

RULE VI. Applications

Section 1. Applications shall consist of:

- (a) An Application for Determination of Moral Character;
- (b) An Application for Extension of Determination of Moral Character;
- (c) An Application to Take the California Bar Examination; and
- (d) An Application to Take the First-Year Law Students' Examination.

Section 2. Application for Determination of Moral Character.

- (a) An Application for Determination of Moral Character may be filed by a general applicant or an attorney applicant at any time subsequent to his or her registration with the Committee. The application shall be accompanied by two sets of fingerprints and the fee specified in the schedule of fees published by the Committee.
- (b) An attorney who has been admitted to practice law in any sister state or in any jurisdiction, territory, dependency or possession that the United States now holds or hereafter acquires or who has been admitted to practice in any foreign jurisdiction, but who is not in good standing in any such state, jurisdiction, territory, dependency or possession because of having been suspended or disbarred from practice as a result of a disciplinary proceeding may not file an Application for Determination of Moral Character while so suspended or disbarred.
- (c) Application Abandonment
 - (1) Moral character applications not complete and in filed status within 60 days of receipt will be abandoned.
 - (2) Once the moral character application is in filed status and the applicant receives notice to provide information but does not provide such information within 90 days of the request, the application will be abandoned.
 - (3) No refund of fees will be paid in the event an application is abandoned.

Section 3. Application for Extension of Determination of Moral Character.

- (a) An Application for Extension of Determination of Moral Character must be filed by an applicant no sooner than every 18 months and no later than every 24 months after an initial determination of good moral character has been made by the Committee until such time the applicant is certified to practice law in California. The application shall be accompanied by the fee specified in the schedule of fees published by the Committee and by not more than two sets of fingerprints as may be specified by the Committee.
- (b) Moral character applications not complete and in filed status within 60 days of receipt will be abandoned.
- (c) Once the moral character application is in filed status and the applicant receives notice to provide information but does not provide such information within 90 days of the request, the application will be abandoned.
- (d) No refund of fees will be paid in the event an application is abandoned.

Section 4. Application to Take the California Bar Examination.

(a) July Examination

- (1) An application to take the July administration of the California Bar Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no earlier than six months before the administration of the examination and shall be filed no later than the first business day of April. The foregoing notwithstanding, the Committee shall

provide a separate and distinct filing deadline schedule for those applicants who took and failed the immediately preceding examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification to the applicants that they were unsuccessful.

- (2) An application to take the July administration of the California Bar Examination filed between the first and last business day of April shall be accepted if it is accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee.
- (3) An application to take the July administration of the California Bar Examination filed between the last business day of April and June 15 shall be accepted if accompanied by the timely filing fee and the additional late filing fee specified in the schedule of fees published by the Committee.
- (4) An application to take the July administration of the California Bar Examination filed after June 15 shall not be accepted.

(b) February Examination

- (1) An application to take the February administration of the California Bar Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no earlier than six months before the administration of the examination and shall be filed no later than the first business day of November. The foregoing notwithstanding, the Committee shall provide a separate and distinct filing deadline schedule for those applicants who took and failed the immediately preceding examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification to the applicants that they were unsuccessful.
- (2) An application to take the February administration of the California Bar Examination filed between the first and last business day of November shall be accepted if it is accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee.
- (3) An application to take the February administration of the California Bar Examination filed between the last business day of November and January 15 shall be accepted if accompanied by the timely filing fee and the additional late filing fee specified in the schedule of fees published by the Committee.
- (4) An application to take the February administration of the California Bar Examination filed after January 15 shall not be accepted.

(c) Final Filing Deadline

- (1) The final filing deadline for the February California Bar Examination is January 15.
- (2) The final filing deadline for the July California Bar Examination is June 15.
- (3) Applications not complete and in filed status by the final filing deadline will be abandoned. Examples of the reasons an application may not be complete and in filed status are: (1) application was not signed, (2) application declaration not received, (3) application fees not received or incomplete, and (4) others.
- (4) Applications not complete and in filed status, for any reason, after the final filing deadline, will be abandoned.

(d) Final Eligibility Deadline

- (1) The final eligibility deadline is ten business days prior to the scheduled first day of the administration of the examination.

- (2) The applicant shall have until the final eligibility deadline to provide documentation to verify eligibility for the examination.

(e) Application Abandonment

- (1) California Bar Examination applications not complete and in filed status by the final filing deadline will be abandoned.
- (2) California Bar Examination applications in filed status whose eligibility can not be determined by the final eligibility deadline, will be abandoned.
- (3) Once the application is in filed status and the applicant receives notice to provide eligibility information but does not provide such information by the final eligibility deadline, the application will be abandoned.
- (4) No refund of fees will be paid in the event an application is abandoned.

Section 5. Application to Take the First-Year Law Students' Examination.

(a) June Examination

An Application to take the June administration of the First-Year Law Students' Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no sooner than January 1 of that year and shall be filed no later than the first business day of April of that year. An application filed after the first business day of April accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee shall be accepted for filing if it is **received** in any Committee office by the close of business no later than May 15. An application to take the June administration of the First-Year law Students' Examination received after May 15 shall not be accepted.

(b) October Examination

An Application to take the October administration of the First-Year Law Students' Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no sooner than May 1 of that year and shall be filed no later than the first business day of August of that year. An application filed after the first business day of August accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee shall be accepted for filing if it is **received** in any Committee office by the close of business no later than September 15. An application to take the October administration of the First-Year Law Students' Examination received after September 15 shall not be accepted.

(c) Application Deadlines for Repeater Applicants

The Committee shall provide a separate and distinct filing deadline schedule for filing applications to take the October administration of the examination for those applicants who took and failed the immediately preceding June administration of the examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification to the applicants that they were unsuccessful.

(d) Final Filing Deadline

- (1) The final filing deadline for the June First-Year Law Students' Examination is May 15.
- (2) The final filing deadline for the October First-Year Law Students' Examination is September 15.
- (3) Applications not complete and in filed status by the final filing deadline will be abandoned. Examples of the reasons an application may not be complete and in filed status are (1) application was not signed, (2) application declaration not received, (3) application fees not received or incomplete, and (4) others.

- (4) Applications not complete and in filed status, for any reason, after the final completion deadline, will be abandoned.

(e) Final Eligibility Deadline

- (1) The final eligibility deadline is ten business days prior to the scheduled first day of the administration of the examination.
- (2) The applicant shall have until the final eligibility deadline to provide documentation to verify eligibility for the examination.

(f) Application Abandonment

- (1) First-Year Law Students' Examination applications not complete and in filed status by the final filing deadline will be abandoned.
- (2) First-Year Law Students' Examination applications in filed status whose eligibility can not be determined by the final eligibility deadline, will be abandoned.
- (3) Once the application is in filed status and the applicant receives notice to provide information but does not provide such information by the final eligibility deadline, the application will be abandoned.
- (4) No refund of fees will be paid in the event an application is abandoned.

Section 6. Application Forms.

- (a) Applications shall be made under oath and on forms provided by the Committee, which may include electronic versions. Applications will be considered filed only when they are accompanied by the required fees and when they are received in fully completed form. Applications that are incomplete will be considered as filed only when they have been received by the Committee accompanied by the application completion fee specified in the schedule of fees published by the Committee.
- (b) Fingerprints furnished with applications shall be used to establish the identities of applicants and to determine whether applicants have criminal records in California or elsewhere. The information obtained as a result of fingerprinting of the applicant is confidential and shall be limited to the official use of the Committee and, as required by law, by The State Bar of California. Fingerprint records of those who do not receive a positive determination of moral character shall be destroyed one year after the date of the determination.
- (c) Ethnic survey and identification materials furnished with applications to take the California Bar Examination shall be separated from the applications during the initial stages of application processing and may not be associated with applicants, applicants' files or applicants' examination answers during the grading of those answers: Except, in those instances where there arises a substantive doubt about the identity of a person taking the examination, the Committee may order such identification materials be re-associated with the file only to verify the identity of the person taking the examination.

Section 7. Application Updating.

Until they have been admitted to practice law in California, applicants are under a continuing obligation to keep their applications current and must update responses whenever there is an addition to or a change to information previously furnished the Committee. Such updates are to be submitted to the Committee no more than thirty (30) days after the addition or change.

RULE VII. Educational Requirements

Section 1. General Education.

- (a) Before beginning the study of law, every general applicant shall have either:
- (1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the Committee; or
 - (2) Attained in apparent intellectual ability the equivalent of at least two years of college determined by taking any examinations in such subject matters and achieving the scores thereon as are prescribed by the Committee.
- (b) To have completed two years of college work within the meaning of Section 1(a)(1) above, an applicant shall have earned at least 60 semester, or 90 quarter, units of college credit with an average grade at least equal to that required for graduation.
- (c) A college or university approved by the Committee referred to in Section 1(a)(1) above shall be a college or university that has degree granting authority from the state in which it resides.
- (d) A person who has not completed two years of college work as defined in Section 1(a)(1) above must pass the required examinations as required by Section 1(a)(2) above, prior to beginning the study of law, unless for good cause the Committee permits later examination.
- (e) Certification that an applicant has met the general education requirement specified in Section 1 shall be provided by the law school the applicant is attending or from which he or she graduated upon request by the Committee.

Section 2. Legal Education. Every general applicant has the burden of establishing that he or she has met the following legal education requirement:

- (a) Graduated from a law school approved by the American Bar Association or accredited by the Committee; or
- (b) Studied law diligently and in good faith for at least four years in any of the following manners:
- (1) In a law school that is authorized by the State of California to confer professional degrees; is registered with the Committee; and which requires classroom attendance of its students for a minimum of 270 hours a year; or
 - (2) In a law office in this State and under the personal supervision of a member of The State Bar of California who is, and who has been continuously, an active member of The State Bar of California for at least the last past five years; or
 - (3) In the chambers and under the personal supervision of a judge of a court of record of this State; or
 - (4) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year and which is registered with the Committee; or
 - (5) By any combination of the methods referred to in this subsection (b).

Section 3. Study in a Law Office or Judge's Chambers.

- (a) To receive credit for one year of study, an applicant must have studied law in a law office or judge's chambers during regular business hours at least 18 hours each week for at least 48 weeks each year. To receive credit for one-half year of study, an applicant must have studied law in a law office or judge's chambers during regular business hours at least 18 hours a week for at least 24 weeks.

- (b) The attorney or judge in whose office or chambers the applicant is studying must have given personal supervision to the applicant for at least five hours each week. "Personal supervision" refers to time actually spent with the applicant that is utilized primarily for the exposition and discussion of the law, the recitation of the cases by the applicant and the critical analysis of written assignments submitted by the applicant.
- (c) The applicant shall file his or her intention to study in a law office or judge's chambers by filing such notice on the Committee's form accompanied by the fee specified in the schedule of fees published by the Committee within 30 days after the study began and also must pay a fee as specified in the schedule of fees in conjunction with the semi-annual reports filed pursuant to subsection (f).
- (d) The attorney or judge under whom the applicant studied law shall file an initial report with the Committee within 30 days after the study began. The initial report shall contain an outline of the proposed course of instruction to be given the applicant and an affirmation by the attorney or judge that he or she will supervise the law study and conduct the required examinations.
- (e) The applicant shall be examined at least once a month on study completed during the previous month. The examinations must be written and graded, and the questions and answers must accompany the semi-annual report required by subsection (f), below.
- (f) A report must have been filed by the attorney or judge every six months, setting forth the number of hours the applicant studied law each week in the attorney's office or the judge's chambers during regular business hours, the number of hours the attorney or judge devoted to supervision each week, the page or chapter numbers and the titles of the books and other materials studied, the name of any other applicant whose law study was supervised by the attorney or judge, and such other information as the Committee may require.
- (g) An attorney or judge may not personally supervise more than two applicants.

Section 4. Study by Correspondence.

- (a) The correspondence law school must comply with the provisions of Rule XIX and XX of these rules and Rule 957 of the California Rules of Court and must require 864 hours of preparation and study each year for four years.
- (b) To receive credit for one year of study by instruction in law from a correspondence law school, an applicant must have received passing grades in courses requiring not less than 864 hours of preparation and study during a period of not less than 48 weeks nor more than 52 consecutive weeks.
- (c) To receive credit for one-half year of study by instruction in law from a correspondence law school, an applicant must have received passing grades in courses requiring not less than 432 hours of preparation and study during a period of not less than 24 nor more than 26 consecutive weeks. The transcript submitted to evidence correspondence study must indicate the date each course began and ended.

Section 5. Repeated Courses. Credit shall not be granted for repetition of the same, or substantially the same course or materials, either in the same, or different schools.

Section 6. First-Year Law Students' Examination. An applicant who is required to take the First-Year Law Students' Examination shall not receive credit for any law study until he or she has passed the examination.

Section 7. Application for Evaluation of Pre-Legal Education and Law Study Completed and Contemplated

- (a) An applicant who intends to begin the study of law may submit a written request for a determination of whether he or she has obtained the pre-legal education required prior to beginning such study. The request shall be on a form provided by the Committee, shall be accompanied by the fee specified in the schedule of fees and shall be accompanied by all certified transcripts necessary to make such a determination.

- (b) An applicant who has registered with the Committee pursuant to Rule V and who believes that he or she has completed one year of law study may submit a written request for a determination of whether he or she has obtained the legal education required to qualify to take the First-Year Law Students' Examination or become exempt. The request shall be on a form provided by the Committee, shall be accompanied by the fee specified in the schedule of fees and shall be accompanied by certified transcripts necessary to make such a determination.
- (c) An applicant who has registered with the Committee pursuant to Rule V and either passed or become exempt from the First-Year Law Students' Examination may submit a written request for an evaluation of studies completed and/or for a determination of additional studies necessary to qualify for the California Bar Examination. The request shall be on a form provided by the Committee and shall be accompanied by the fee specified in the schedule of fees and by certified transcripts of all law studies completed to the date of the request and a statement by the applicant of the law study that the applicant believes will qualify the applicant to take the California Bar Examination. After review of the transcripts of courses taken and the statement of courses intended to be taken, the applicant will be advised in writing whether the proposed plan, if satisfactorily completed, will qualify the applicant to take the California Bar Examination, or if it will not, what additional study will be necessary in order to qualify.

RULE VIII. Examinations

Section 1. First-Year Law Students' Examination.

(a) Every person who intends to seek admission as a general applicant shall take the First-Year Law Students' Examination following completion of one year of law study unless such person:

(1) Has passed the bar examination of a United States jurisdiction, a possession, territory, or dependency the United States may hereafter acquire or of a country where the common law of England constitutes the basis of jurisprudence; or

(2) Has satisfactorily completed the first year course of instruction in a law school accredited by the Committee or approved or provisionally approved by the American Bar Association at the time of the applicant's matriculation or at the time the applicant completes the first year of instruction and had completed at least two years of college work as defined in Section 1, Rule VII of these Rules prior to matriculating in such accredited or approved law school.

(b) An applicant who is required to take the First-Year Law Students' Examination shall not receive credit for any law study until the applicant has passed the examination. An applicant who passes the examination within three consecutive administrations of first becoming eligible to take the examination upon completion of one year of law study, shall receive credit for all law study completed to the date of the administration of the examination passed. An applicant who does not pass the examination within three consecutive administrations of first becoming eligible to take the examination but who subsequently passes the examination shall receive credit for his or her first year of law study only.

(c) The First-Year Law Students' Examination shall be conducted twice each year, once in the month of June on such date as the Committee may select and once in the month of October on such date as the Committee may select. The examination shall be administered simultaneously in the San Francisco Bay Area and the Los Angeles Area and may be conducted in such additional locations as the Committee may select. The examination shall consist of such questions as the Committee may select on the subjects of contracts, torts and criminal law. The Committee in its sound discretion shall determine the passing grade.

(d) A general applicant shall be deemed to have satisfactorily completed the first-year course of instruction in an accredited or approved law school when the applicant is advanced to the second-year course of instruction at the same accredited law school, whether or not on probation.

(e) Any person who is exempt from taking and passing the First-Year Law Students' Examination may, nonetheless, take the examination after compliance with the application requirements set forth in Section 6, Rule VI of these Rules. An exempt applicant who unsuccessfully takes the examination shall not be subject to any of the sanctions, requirements, or law study credit limitations which are otherwise imposed by this Rule on unsuccessful non-exempt applicants.

Section 2. The California Bar Examination.

(a) The California Bar Examination, which includes the Attorneys' Examination, shall be conducted twice a year, in February and in July on dates announced in advance by the Committee. It shall be administered in the San Francisco Bay Area and the Los Angeles Area and in such other locations as the Committee may select.

(b) The California Bar Examination shall consist of a multiple-choice examination and such written questions and performance tests as the Committee may select and shall be graded in accordance with standards and procedures established by the Committee acting in its sound discretion.

(c) The Attorneys' Examination shall consist of the written questions and performance tests from the California Bar Examination and shall be graded in accordance with standards and procedures established by the Committee acting in its sound discretion.

(d) The Committee shall submit a report on each administration of the California Bar Examination to the Supreme Court of California as soon as practical after each administration.

Section 3. Multistate Professional Responsibility Examination.

Every applicant shall take the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners and achieve the scaled score thereon as the Committee may determine in its sound discretion. Applicants must have completed one year of law study prior to taking the Multistate Professional Responsibility Examination. Applications to take the Multistate Professional Responsibility Examination must be filed directly with the National Conference of Bar Examiners and must be accompanied by the fee established by the National Conference of Bar Examiners.

RULE IX. Time Limitation for Satisfying Admission Requirements

The Committee shall not certify an applicant to the Supreme Court for admission to practice law unless the applicant has satisfied all requirements for admission found in these Rules. To take the attorney's oath and be admitted to practice law in California, the applicant must take the attorney's oath within five years of the last day of the administration of the California Bar Examination that the applicant passed, unless for good cause shown by clear and convincing evidence in a particular case the Committee extends such time limitation. Delay in satisfying the admission requirements found in these Rules that is the result of an applicant's negligence or the result of the applicant's having received a negative moral character determination shall not constitute good cause.

RULE X. Moral Character

Section 1. Good Moral Character.

Every applicant shall be of good moral character. The term “good moral character” includes qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the laws of the state and the nation and respect for the rights of others and for the judicial process. **The applicant has the burden of establishing that he or she is of good moral character.**

Section 2. Application and Application Processing.

- (a) An Application for Determination of Moral Character (“Moral Character Application”) may be filed at any time after registering with the Committee.
- (b) The Moral Character Application must be received in fully completed form, accompanied by the correctly completed fingerprint cards and by the fee specified in the schedule of fees published by the Committee in order to be considered filed.
- (c) The Committee shall notify the applicant within one hundred and eighty (180) days after the filing of a Moral Character Application that he or she has been found to be of good moral character or that such a determination cannot then be made because:
 - (1) information requested from the applicant has not been received; or
 - (2) information requested from governmental agencies has not been received; or
 - (3) information requested from additional sources has not been received; or
 - (4) further inquiry and analysis is necessary.
- (d) An applicant who receives notice pursuant to subsection (c) above shall have ninety (90) days to provide the information requested by the Committee as specified in subsection (c)(1) above. Failure to timely provide such information shall constitute an abandonment of the Moral Character Application and termination of the moral character determination process. Thereafter, if the applicant wishes to proceed with the moral character determination process he or she shall be required to file a new Moral Character Application accompanied by the fee specified in the schedule of fees published by the Committee.
- (e) The applicant shall be given a status report on the processing of his or her application between sixty (60) and ninety (90) days after notification to the applicant as specified in subsection (c) above that the moral character determination could not then be made.
- (f) Such further inquiry and analysis that is required shall be conducted and a written report shall be considered by the Committee within sixty (60) days after the Committee receives the information referenced in subsection (c) above. The Committee may determine either:
 - (1) that the applicant is of good moral character; or
 - (2) that the applicant has not met the burden of establishing good moral character; or
 - (3) that the application be referred for further inquiry and analysis; or
 - (4) that the applicant be invited to confer informally with the Subcommittee on Moral Character (“Subcommittee”); or
 - (5) that the applicant and the Committee enter into an Agreement of Abeyance according to the provisions of Section 4, below.

The applicant shall be notified of the Committee’s determination.

Section 3. Informal Conferences.

- (a) The Committee may invite an applicant to confer informally with the Subcommittee or any two or more of its members at any time during its consideration of a Moral Character Application. The purpose of the informal conference is to discuss issues related to moral character considerations. A conference with the Committee is not mandatory. A negative inference shall not be drawn from an applicant's declining to confer.
- (b) An applicant may request to confer informally with the Subcommittee only after a determination from the Committee that the applicant had not met the burden of establishing good moral character and only if an applicant has not been previously invited to attend a conference. The request to confer must be in writing and received in the Committee's San Francisco office within thirty (30) days of the date of notification of the adverse determination. Upon receipt of a timely filed request, the Committee's determination will be considered pending and an informal conference will be scheduled within sixty (60) days, unless the Committee agrees to a later date. The purpose of this informal conference is to discuss the issues related to the determination that the applicant had not met the burden of establishing good moral character. Matters raised by the applicant shall be limited to those issues that were the basis of the Committee's adverse determination. The Committee's final determination shall be forwarded to the applicant within thirty (30) days following consideration of the matter by the Committee. The applicant may appeal the final determination according to the provisions of Section 5 below.
- (c) The Committee may establish procedures governing informal conferences that may include, but are not limited to, the following:
 - (1) that the applicant may appear with counsel and make an oral or written statement and present documentary evidence or any other evidence the Subcommittee may allow; and
 - (2) that the conference be tape recorded, and upon written request, the applicant be provided with a duplicate copy of the tape recording at the Committee's expense.

Section 4. Agreement of Abeyance.

- (a) The Committee and the applicant may enter into an Abeyance Agreement of continued inquiry and analysis:
 - (1) when an accusatory pleading has been filed against an applicant charging him or her with the commission of a crime and a court has ordered the applicant diverted or referred for education, treatment or rehabilitation; or
 - (2) when an applicant has been convicted of a crime and the court has suspended imposition or execution of a sentence and has ordered the applicant placed on probation; or
 - (3) when an applicant is actively seeking or obtaining treatment for chemical dependency or drug or alcohol addiction; or
 - (4) in such other situations as the Committee and the applicant may agree.
- (b) An applicant who has not previously informally conferred with the Subcommittee as provided in Section 3 above may do so before his or her decision to enter into an Abeyance Agreement.
- (c) The Abeyance Agreement shall be in writing and shall specify the period and conditions of abeyance. A copy of the agreement shall be provided to the applicant.

Section 5. Appeal of an Adverse Moral Character Determination.

- (a) An applicant who receives an adverse moral character determination may appeal that determination to the State Bar Court by filing an application for hearing accompanied by a

filing fee specified in the schedule of fees published by the Committee with the Clerk of the State Bar Court within sixty (60) days after service of the final determination.

- (b) A copy of the application for hearing shall be served upon the San Francisco offices of the Committee and the Office of Chief Trial Counsel. Upon receipt of the copy, the Committee shall promptly transmit all files and records of the application inquiry and analysis to the Office of Chief Trial Counsel.
- (c) The hearing shall be conducted according to the procedures set forth in the Rules of Procedure of the State Bar Court.

Section 6. Application After an Adverse Moral Character Determination.

An applicant who has received an adverse moral character determination may file another Moral Character Application after the expiration of two (2) years from the date of the final determination by the Committee or such shorter or longer period as may have been set by the Committee, for good cause shown, at the time of such denial.

Section 7. Withdrawal of Applications.

- (a) An applicant may withdraw his or her Moral Character Application at any time before being notified that a determination of moral character cannot be made because of the need for further inquiry and analysis. An applicant may withdraw his or her application after receipt of such notice only with the consent of the Committee.
- (b) An applicant may withdraw his or her appeal before the State Bar Court by filing such request with the San Francisco Office of Chief Trial Counsel. The applicant shall forward a copy of the request to the San Francisco office of the Committee.

Section 8. Suspension and Nullification of A Positive Moral Character Determination.

The Committee may suspend a positive moral character determination if after having made that determination but before having certified the applicant for admission to practice law, the Committee receives information reasonably calling the applicant's character into question. The applicant shall be notified by mail addressed to his or her last known address, and the notification shall specify the grounds for suspension. Such further inquiry and analysis that is required shall be conducted and a written report shall be considered by the Committee within sixty (60) days after notice to the applicant that the determination had been suspended. If the Committee determines that the positive determination of moral character should be nullified, the applicant shall be notified and shall be accorded the rights of conference and appeal specified in this Rule. If the Committee determines to reinstate its previous positive determination, the period of validity shall commence from the date of the original positive determination.

Section 9. Moral Character Determination Time Limitations.

- (a) An initial positive moral character determination shall be valid for twenty-four (24) months from the date of the positive determination. The validity period may be extended for an additional twenty-four (24) months by:
 - 1) the filing of an Application for Extension of Determination of Moral Character ("Application for Extension") before the expiration of the then current validity period and 2) a positive moral character determination by the Committee. If the validity period expires before the filing of an Application for Extension, a new Moral Character Application accompanied by the fee specified in the schedule of fees published by the Committee must be filed. Applicants must continue to update the information on applications on file whenever changes to that information occur. If during the validity period, an applicant satisfies all other requirements for admission to practice law set forth in these Rules, the Committee shall then certify the applicant for admission to practice law.
- (b) The Application for Extension may be filed within six (6) months before the expiration of the then current validity period. The application must be submitted in fully completed form

accompanied by the fee specified in the schedule of fees published by the Committee and correctly completed fingerprint cards to be considered filed.

- (c) If a positive moral character determination is made on an Application for Extension by the Committee before the expiration of the then current validity period, the validity period shall be extended for an additional twenty-four (24) months from the end date of the current validity period.
- (d) If a positive moral character determination cannot be made by the Committee on an Application for Extension before the expiration of the then current validity period, the validity period shall expire and a new twenty-four (24) month validity period will commence upon a positive determination.
- (e) The Application for Extension will be processed according to the provisions of Sections 1 through 9 of this Rule.

Section 10. Time Limits.

The purpose of time limits specified herein for Committee actions is solely to expedite the processing of applications. Time limits shall not be jurisdictional and may be extended by the Committee for good cause. The Committee shall notify the applicant of the extension.

Rule XI. Confidentiality

The files, records and writings within the meaning of Evidence Code Section 250 of all investigations and formal proceedings are the property of the Committee. This information is confidential and may not be released to any person or entity except by order of the Committee or as provided by California Evidence Code Section 1040.

Nothing in this Rule precludes or supersedes the access or disclosure requirements set out in Business and Professions Code Section 6044.5, 6060.2, 6086 and 6090.6. Nothing in this Rule precludes the disclosure of information to the Executive Director of The State Bar of California, the General Counsel of The State Bar of California and the Chief Trial Counsel of The State Bar of California for use in furtherance of their obligations related to the regulation of the practice of law.

RULE XII. Examination Administration Rules and Policies: Violations of Examination Administration Rules and Policies

Section 1. Examination Administration Rules and Policies.

Applicants are expected at all times to maintain a professional attitude towards other applicants, staff, proctors and other examination personnel. Conduct that results in a violation of security or disrupts the administration of the examination, which includes but is not limited to, carrying unauthorized items into the examination room, writing or typing after time has been called, looking at another applicants papers, talking while the examination is in session, being abusive to other applicants, staff, proctors and other examination personnel may result in notice to the Committee of a violation of examination rules or, in extreme cases, dismissal from the examination test center.

Section 2. Unintentional Violations.

In those instances where an examination applicant is deemed to have inadvertently or unintentionally violated Committee examination rules, the applicant may be reasonably sanctioned. Sanctions may be imposed only after notice to the applicant. The record of sanction imposed for inadvertent or unintentional violations may be maintained by the Committee for statistical purposes, but the record shall not be construed as adversely reflecting on the applicant's moral character. An applicant who has been notified that sanctions will be imposed on him or her may request that imposition of sanctions be reconsidered, and for good cause shown, the Committee or a designated subcommittee may remove the sanctions.

Section 3. Intentional Violations.

- (a) In those instances where an examination applicant is suspected of having intentionally violated Committee examination rules, the Committee shall complete an inquiry within forty-five (45) days of its first meeting subsequent to the examination during which the violation is suspected to have occurred. If from that inquiry it appears that an intentional violation did occur, the Committee shall within thirty (30) days of conclusion of the inquiry, notify the applicant of the results of its inquiry and shall inform the applicant that it proposes to give the applicant a total score of zero for the examination, that it proposes to include the record of its inquiry in the applicant's file for consideration when determining whether the applicant is of good moral character and that the applicant may request a hearing to challenge the Committee's determination that an intentional violation did occur. Notification shall be sent to the applicant by United States mail, postage prepaid, at the address set forth on the applicant's examination application. The notification shall be deemed to have been received by the applicant five (5) days after deposit in the mails if the applicant's address is within the State of California or within ten (10) days after deposit in the mails if the applicant's address is outside the State of California but within the United States or twenty (20) days after deposit in the mails if the applicant's address is outside the United States.
- (b) An applicant who wishes a hearing on whether an intentional violation did occur shall file a written request with the Committee at the State Bar's Office of Admissions in San Francisco within thirty (30) days of the notification specified in subsection (a), above; provided, however, the Committee may for good cause shown by clear and convincing evidence extend the time within which a request for hearing may be filed if such request for extension is received by the committee within thirty (30) days of the Committee's notification of its determination that an intentional violation did occur. An applicant who fails to make a timely request for a hearing shall be deemed to have consented to the Committee's intended action, which shall then be implemented.
- (c) The Committee shall schedule a hearing within ninety (90) days of receipt of the timely request or within ninety (90) days of permitting a late request to be filed and shall promptly notify the applicant of the hearing date and location. The hearing shall be conducted by a panel of three members of the Committee selected by the Chair, one of whom shall be designated as panel chair. The Committee shall have the burden of establishing by clear and convincing evidence that an intentional violation of Committee examination rules did occur. The applicant and the Committee may be represented by counsel.

- (d) Within forty-five (45) days following conclusion of the hearing, the hearing panel shall render its findings and decision. That decision shall be promptly served on the applicant and counsel present at the hearing. In response to the decision of the hearing panel, the applicant may file a request for review in accordance with the provisions of Section 5, Rule I of these rules. If a request for review of the matter by the Committee is not filed within ten (10) days from service of the decision, the decision will become the decision of the Committee.
- (e) Following adoption of the hearing panel decision by the Committee and if an intentional violation is found to have occurred, the applicant shall be given a total score of zero for the examination and any answers submitted by the applicant which may have been assigned scores prior to the finding of an intentional violation shall be voided. In addition, the record of the committee's inquiry and the results of any hearing held shall be included in the applicant's file for consideration when determining whether the applicant is of good moral character. If an intentional violation has not been found, the scores originally assigned to the applicant's answers will be released to the applicant and a record of the inquiry will not be included in the applicant's moral character determination file.

RULE XIV. Statistics

Section 1. The Committee shall publish statistics from time to time, which shall contain such tabulations and information (not including the names of applicants for admission) as in the judgment of the Committee shall be proper, in reference to examinations administered by the Committee, applicants and applications, and the results of applications. In the event a law school ceases operation and its students continue to take the bar examination, applicants allocated to such schools will be reclassified to another general category.

Section 2. Such statistics, with respect to the California Bar Examination, shall disclose the names of schools in which applicants for admission received their instruction in law, applicants being allocated as follows:

- (a) General Applicants shall be allocated to the school from which they graduated;
- (b) If an applicant qualifies to take the California Bar Examination through an accumulation of law study credit over the course of four years as determined by the Committee, the applicant shall be allocated to a "Four Year Study Program" classification as described in Section 3, Rule VII of these Rules;
- (c) A foreign-educated applicant who qualifies to take the General Bar Examination by completing an additional year of study at a law school approved by the American Bar Association or accredited by the Committee shall be allocated separately;
- (d) Attorney Applicants taking the General Bar Examination shall be allocated as having taken the examination rather than to the law school from which they graduated and will be reported as admitted in either the United States or foreign country; and,
- (e) Attorney Applicants taking the Attorneys' Examination shall be allocated as having taken that examination rather than to the law schools from which they graduated.

Section 3. Such statistics, with respect to the First-Year Law Students' Examination, shall disclose at least the following:

- (a) Names and categories of schools in which the applicants received the most recent instruction of law qualifying them to take the examination;
- (b) The numbers of applicants academically dismissed from a school and numbers of applicants designated as special students; and,
- (c) Percent passing for first time takers and all takers. Applicants who do not fall within any of the specified categories shall be classified as Law Office Study or "unclassified."

RULE XV. Typewriting an Examination

Section 1. A person who desires to typewrite an examination shall file a request therefore on a form prescribed by the Committee at the time he or she applies to take the examination. The request shall be accompanied by a fee to defray the additional expenses involved. The committee may, however, in a particular case for good cause shown permit a later filing of the request, in which case a late filing fee shall also be paid. Applicants shall furnish their own typewriters; suitable tables, chairs, and paper shall be furnished by the Committee.

RULE XVI. Cost of Transcripts

Section 1. Except as to moral character hearings, if a hearing shall be held regarding any application, registration or petition of any person either as a requirement of the Committee or at such person's request, one-half the cost of reporting the proceedings shall be paid by such person to the Committee prior to its determination of the matter. If a transcript of the proceedings is ordered by the Committee, or any subcommittee to which the matter has been assigned, such person shall, prior to the determination of the matter by the Committee, pay one-half the cost of the original transcript and shall be entitled to one copy of such transcript. If the transcript is ordered by anyone other than the subcommittee or Committee, the entire cost of such transcript shall be paid by the person ordering the transcript.

RULE XVII. Testing Accommodations Petitions

Section 1. General

- (a) The Office of Admissions of The State Bar of California on behalf of the Committee administers all examinations within the Committee's purview in a nondiscriminatory manner and provides reasonable testing accommodations to those applicants with functional limitations that preclude them from demonstrating under standard testing conditions that they possess the knowledge, skills and abilities necessary to pass those examinations. Testing accommodations are granted in all cases where the applicant establishes that he or she: (a) is a qualified applicant with a disability who otherwise is eligible to take the examination; (b) that testing accommodations are necessary to address the functional limitations related to the disability; and (c) the testing accommodations being sought are reasonable and appropriate for the disability.
- (b) Applicants intending to petition for testing accommodations are encouraged to do so as far in advance as practicable of the examination they wish to take after registering with the Committee. It is recommended that law students with disabilities who intend to petition for testing accommodations during the bar examination file their petitions no later than the beginning of their last year of law study to ensure that the process is timely completed before administration of the examination immediately following their graduation. If an applicant determines to wait until the final filing deadline to file a petition for a particular examination, it is possible that processing will not be able to be completed and/or the applicant will not be able to complete all procedures under this rule prior to administration of the examination.
- (c) The time limits specified in this rule are solely to expedite the processing of petitions for testing accommodations. They are not jurisdictional and may be extended by the Committee for good cause. Nevertheless, the Committee and the Office of Admissions will exercise its best efforts to ensure that all petitions for testing accommodations are processed in as short of period of time as possible. Accordingly, an applicant with a disability who files a complete petition for testing accommodations by February 1 for the June administration of the First-Year Law students' Examination, by March 1 for the July administration of the California Bar Examination, by June 1 for the October administration of the First-Year Law Students' Examination or by October 1 for the February administration of the California Bar Examination, which petition is considered complete by the Committee, may expect the Committee's best efforts for a final Committee action on the petition no later than one month before the administration of the examination for which the person has applied, unless circumstances make a final determination by that date impractical.
- (d) An application to take an examination administered by the Committee and a petition for testing accommodations are separate documents apart from one another. Filing one does not constitute the filing of the other or initiate its processing. Refunds for withdrawal of an examination application will be processed in accordance with the Committee's refund policy. Refunds will not be issued solely because an applicant does not receive the testing accommodations he or she sought.

- (e) Petitions for testing accommodations filed with the Committee are confidential. Reports prepared by consultants retained by the Committee to review testing accommodations petitions are confidential Committee work products. However, a summary of or excerpts from a consultant's evaluation may be provided to a petitioner as provided in Section 4 of this rule. Upon written consent from the applicant, information from an applicant's testing accommodations file may be shared with other bar admission authorities.
- (f) Copies of a petition for testing accommodations and supporting documentation filed with the Committee will be provided to the petitioner who filed it upon written request and payment of a reasonable copying fee established by the Committee.
- (g) If it is discovered that an applicant intentionally has submitted false or misleading information as part of the testing accommodations petition, that fact will be reported to the Moral Character department for consideration during the moral character determination process.

Section 2. Definitions.

- (a) A person has a disability for purposes of this rule if he or she:
 - (1) Has a physical or mental impairment that limits one or more of an applicant's major life activities and limits an applicant's ability to demonstrate under standard testing conditions that he or she possesses the knowledge, skills and abilities tested on the examinations administered by the Committee; and
 - (2) Has a record of having such an impairment; or
 - (3) Is regarded as having such an impairment.
- (b) A physical impairment is a physiological disorder or condition or an anatomical loss affecting one or more of the body's systems.
- (c) A mental impairment is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder and specific learning disabilities.
- (d) A qualified applicant with a disability is a person with a disability who with reasonable: 1) modifications to rules, policies, or practices or 2) removal of architectural, communication, or transportation barriers or 3) provision of auxiliary aids and services is capable of demonstrating that he or she possesses the knowledge, skills and abilities tested on the First-Year Law Students' Examination and the California Bar Examination.
- (e) A reasonable accommodation is an adjustment to or modification of the standard testing conditions that addresses the functional limitations related to the applicant's disability without:
 - (1) fundamentally altering the nature of the examination or the Committee's ability to determine through the examination whether the applicant possesses the necessary knowledge, skills and abilities to pass the First-Year Law Students' Examination or to pass the California Bar Examination and whether the applicant meets the essential

eligibility requirements for the practice of law in California as specified in the Rules;
or

(2) imposing an undue burden on the Committee; or

(3) compromising the security of the examination; or

(4) compromising the validity of the examination.

Section 3. Petition For Testing Accommodations.

(a) Initial Petition

(1) A petition for testing accommodations for the First-Year Law Students' Examination or the California Bar Examination may be filed at any time by a person with a disability after he or she has registered with the Committee as a law student or attorney applicant and before the deadline for filing a timely application for the examination the petitioner wishes to take. Petitions may not be filed later than the final filing deadline for the examination the petitioner wishes to take. In some cases, however, the Committee may determine that due to the changing nature of the disability, a determination regarding a petition filed more than six months prior to the examination the applicant intends to take is premature, and the Committee may require that a new petition, and documentation, be filed closer to the date of the administration of the examination the applicant intends to take.

(2) A petition for testing accommodations shall be submitted on a form supplied by the Committee and shall have attached to it:

(i) A completed Form A, which shall include information provided by the petitioner that describes the petitioner's disability, describes with specificity the accommodations being sought and provides an explanation of how the testing accommodations being sought address the functional limitations associated with the disability and the basis for that determination; and

(ii) A completed Form B, Form C, Form D and/or Form E, which must be completed by the professional signing the form and shall include information from the petitioner's treating professional that provides a professional diagnosis of a disability and describes the method utilized to diagnose the existence of the disability, including identification of tests administered during the process of diagnosing the disability or a description of the functional limitation necessitating the accommodation being sought including a description of how the nature and extent of the functional limitations were determined. Specific test results may be required to support a diagnosis; and,

(iii) A completed Form F, which shall include information from the petitioner's law school or legal education supervisor describing accommodations granted for taking examinations, if accommodations were provided during law school; and,

(iv) If accommodations have been granted to take a bar examination in another state, a completed Form G, which shall include information from an official in that jurisdiction describing what accommodations have been granted to take its examination.

(3) A petition for testing accommodations will be considered complete only when all relevant forms have been received, when all information called for on the forms has been provided and all necessary supporting documentation required by the forms has been filed with the Office of Admissions. A petition that is not complete by the final examination application deadline for the examination the petitioner wishes to take will not be processed for that examination.

(b) Subsequent Petition

(1) Once granted, testing accommodations are not automatically extended to future examinations if a petitioner is not successful on an examination. An applicant with a permanent disability who has taken a Committee administered examination but who was not successful on that examination and who wishes the same accommodations for a subsequent administration of the examination must petition for reasonable testing accommodations for any subsequent administration of the same examination by filing such request by the established deadlines on a form supplied by the Committee. Alternatively, applicants with permanent disabilities who are unsuccessful on an examination and apply for a subsequent examination may request the same accommodations be extended to that administration of the examination through the standard application filing process without filing another petition. After a period of five (5) years, an applicant may be required to update the initial petition forms with new documentation and information.

(2) A petition filed pursuant to subsection (b)(1) above, should be filed at the same time the petitioner files an application to take another examination, or earlier, but may not be filed later than the final deadline for filing applications for the examination the petitioner wishes to take.

(3) A petitioner with a temporary disability who was not successful on an examination or a petitioner with a disability who has taken an examination administered by the Committee and seeks different accommodations than those previously granted, must file an initial petition in accordance with subsection (3)(a) above.

(c) Emergency Petition

(1) An applicant who acquires a disability after the final deadline for filing petitions for the examination he or she wishes to take may request testing accommodations after the time prescribed in this rule if he or she promptly submits the appropriate testing accommodation petition forms and documentation and includes documentation of the emergency nature of the request and the date and circumstances under which the disability arose. Applicants with disabilities that existed prior to the final filing deadline, but which are not diagnosed until after the final filing deadline will not be considered under these emergency petition provisions.

Emergency petitions for testing accommodations for disabilities that existed prior to and were diagnosed before the final filing deadline will not be accepted for processing for that particular examination.

(2) Decisions on emergency petitions will be made as quickly as practicable.

(3) An appeal of denial or proposed modification of an emergency accommodation request will be processed in accordance with the procedures outlined in Section 4 of this rule, unless impractical due to the scheduling of the examination.

(4) Emergency petitions must be received by the Committee no later than ten (10) days before the first day of a scheduled examination. Emergency petitions received after that date will not be processed for a particular examination.

Section 4. Review of Testing Accommodation Petitions.

(a) Petitions for testing accommodations will be reviewed by the Senior Executive, Admissions or his or her designee in accordance with guidelines established by the Committee.

(b) Review by Senior Executive, Admissions or his or her designee.

(1) The Senior Executive, Admissions or his or her designee will review all properly filed and complete petitions for testing accommodations on a case-by-case basis.

(2) Within thirty (30) days after receipt of a correctly completed petition that is timely filed and that appears to comply with the requirements of this rule, the Senior Executive, Admissions or his or her designee shall:

(i) Refer the petition to a consultant retained by the Committee for review and recommendation as to the need for and reasonableness of the accommodation being sought; or

(ii) Request that the petitioner submit additional information and/or documentation in support of the petition; or

(iii) Contact the petitioner with proposed modifications of the requested accommodation; or

(iv) Grant the petition and inform the petitioner in writing of the accommodation to be provided; or

(v) Deny the petition and inform the petitioner in writing by certified mail, return receipt requested, of the basis for the denial and of the petitioner's right to appeal.

(3) Within sixty (60) days of receipt of a correctly completed petition that is timely filed, the Senior Executive, Admissions or his or her designee shall advise the petitioner of the status of the petition if it is still pending. The petitioner may be required to submit additional documentation in support of the petition, modifications may be proposed, or the petition may be granted or denied. A summary of or excerpt from the consultant's evaluation of the petition shall accompany the notice of proposed modification or denial.

(4) A petitioner who receives notice pursuant to subsections 2(ii) and 2(iii) above shall have thirty (30) days, or shorter if the scheduling of the examination requires an earlier deadline, to provide such additional documentation as requested or to agree with the proposed modification. As quickly as practicable but within no more than twenty (20) days of receipt of the additional documentation or response from the

petitioner regarding proposed modifications, the Senior Executive, Admissions or his or her designee shall either determine to refer the petition to the Committee's consultant for review, or grant or deny the petition. The petitioner shall be notified in writing of the action taken by the Senior Executive, Admissions or his or her designee. Notification of denial of the petition shall be made by certified mail, return receipt requested.

(5) If a petitioner fails to respond to a proposed modification by the deadline established in Section (4) above, the proposed modification shall be considered accepted by the petitioner.

(6) If a petitioner fails to provide the requested additional documentation by the deadline established in Section (4) above, a decision regarding the petition shall be made from the information contained in the file.

(7) The Senior Executive, Admissions or his or her designee or the consultant to which a petition has been referred may confer with an applicant's specialist, with the consent of the applicant, if such is determined to be required in order to process an applicant's petition.

(c) Request for Committee Review of the Senior Executive, Admissions' or his or her designee's determination.

(1) A petitioner who receives an adverse determination regarding his or her petition from the Senior Executive, Admissions or his or her designee or a petitioner who does not agree with the proposed modifications of the petition may appeal that determination to the Committee. The Committee shall refer the appeal to the Committee's Subcommittee on Testing Accommodations (Testing Accommodations Subcommittee).

(2) The appeal must be in writing, addressed to the Committee and received in the Office of Admissions in San Francisco within ten (10) business days of the petitioner's receipt of the Senior Executive, Admissions' or his or her designee's determination, or shorter or longer if the scheduling of the examination requires an earlier or permits a longer deadline. The appeal shall specify the reasons why the petitioner does not agree with the Senior Executive, Admissions' or his or her designee's determination and include any supporting documentation or evidence that the petitioner wishes the Committee to consider.

(3) Once the appeal has been received in complete form, it may be reviewed by the Senior Executive, Admissions to determine whether any additional information or documentation has been provided that would cause him or her to reconsider his or her determination and grant the petition. If not, the appeal shall be considered by the Testing Accommodations Subcommittee in closed session without oral argument as soon as practicable, either during a regularly scheduled meeting or during a specially convened telephone or video conference call. The Testing Accommodations Subcommittee shall consider the original petition for testing accommodations and accompanying documentation, consultant's reports and recommendations (if any) and such additional information as may have been included with or attached to the request for appeal, all of which documents shall constitute the record on appeal. The Testing Accommodations Subcommittee determination shall be the determination of the Committee unless a Committee member asks for review by the Committee. In that event, the Committee shall consider the original petition for testing accommodations

and accompanying documentation, consultant's reports and recommendations (if any) and such additional information as may have been included with or attached to the request for appeal.

(4) The Committee's determination shall be forwarded to the petitioner within ten (10) business days following consideration of the matter by the Committee.

(5) In cases where proximity of the examination affects the filing deadlines noted above, appeals filed in connection with any particular examination must be filed no later than the first business day of the month in which the examination is scheduled to be administered of the examination the petitioner intends to take. Otherwise, an appeal may be submitted for a future examination without re-filing an initial petition for testing accommodations.

Section 5. Guidelines.

- (a) The Committee shall publish guidelines for documenting the need for testing accommodations based on learning disabilities and attention deficit/hyperactivity disorder, including testing required to establish the existence of the disability and the reasonableness of the accommodations being sought. The guidelines are intended to assist persons with disabilities and their licensed treating professionals to understand the methodology used by the Committee to evaluate the needs for reasonable accommodations based on learning disabilities and should not be regarded as a rigid set of requirements for accommodations of such disabilities, as each petition will be evaluated on a case by case basis.
- (b) At its discretion, the Committee may publish guidelines for various disabilities that have been accommodated on past examinations. Publication of such guidelines, however, is not to be regarded as a rigid set of requirements for accommodations of such disabilities, as each petition will be evaluated on a case by case basis.

RULE XVIII was Replaced by the Rules Regulating Accreditation of Law Schools in California.

Copies are available free of cost upon written request to the San Francisco Office of the Admissions.

RULE XIX. Law Study in Unaccredited Law Schools

Section 1. This Rule shall not apply to any person who, on October 8, 1975, had commenced the study of law in a manner authorized by Section 6060(e) of the Business and Professions Code and registered as a law student prior to January 1, 1976 [as provided in Section 6060(d) of the Business and Professions Code] and otherwise satisfied the requirements of Section 6060(c) of the Business and Professions Code; provided that after January 1, 1976 credit shall be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of Sections 7 or 8 of this Rule, whichever is applicable, and permits inspection as provided in Section 9(b) of this Rule.

Section 2.

- (a) A person who seeks to be certified to the Supreme Court for admission and a license to practice law shall receive credit for study in a law school that is not accredited by the Committee only if the law school satisfies the requirements of this Rule.
- (b) If a law school offers instruction in law at more than one location and those locations are more than 10 miles apart by the most direct route, each location will be deemed to constitute a separate law school and each must comply with all the provisions of this Rule XIX.

Section 3. A law school in the state that is not accredited by the Committee must:

- (1) be authorized to confer professional degrees by the laws of this state;
- (2) maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;
- (3) require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80% of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with such requirements;
- (4) maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;
- (5) have an adequate faculty of instructors in law, provided that the faculty will prima facie be deemed adequate if at least 80% of the instruction in each academic period is by persons who possess one or more of the following qualifications:
 - (i) admission to the general practice of the law in any jurisdiction in the United States;
 - (ii) judge of a United States court or a court of record in any jurisdiction in the United States;
or
 - (iii) graduation from a law school accredited by the Committee.
- (6) own and maintain a library consisting of not less than the following sets of books, all of which shall be current and complete:
 - (i) the published reports of the decisions of California courts, with advance sheets and citator;
 - (ii) a digest or encyclopedia of California law;
 - (iii) an annotated set of California codes; and
 - (iv) a current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available.
- (7) establish and maintain standards for academic achievement, advancement in good standing and graduation and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and

(8) register with the Committee, and maintain such records (available for inspection by the Committee) and file with the Committee such reports, notices and certifications, as may be required by the Rules of the Committee.

Section 4. A law school outside the state that is not accredited by the Committee must:

- (1) be authorized to confer professional degrees by the law of the state in which it is located;
- (2) comply with subparagraphs (2), (3), (4), (5), (7) and (8) of Section 3 and all of Sections 7 and 9 of this Rule; and
- (3) own and maintain a library that is comparable in content to that specified in subparagraph (6) of Section 3 of this Rule.

Section 5. A law school shall not qualify as one requiring classroom attendance of its students for a minimum of 270 hours a year unless such school:

- (1) Adopts and enforces rules or regulations generally requiring each of its students to pursue a course of study requiring not less than 270 hours classroom attendance during any 12-month period, exempting an individual student from such requirement only upon a showing by such student that illness, physical handicap or other unusual circumstance warrants such special consideration and limiting both the number of first year students and the number of advanced students so exempted to 10 percent of each such classification of students enrolled. A student shall be classified as a first year student until such time as he or she had completed courses requiring 270 hours classroom attendance and as an advanced student thereafter.
- (2) Maintains individual written records of the exemptions granted including the reasons therefore and any evidence submitted by the student or otherwise obtained by the school and submits a copy of such record to the Committee with any certificate submitted to the Committee as proof of such student's law study.
- (3) Within 30 days of the beginning of each quarter or semester submits to the Committee, in the form prescribed by it, such information as the Committee may deem necessary to ascertain whether the school is operating in compliance herewith.

Section 6. A person who seeks to be certified to the Supreme Court for admission and a license to practice law shall receive credit for instruction in law from a correspondence law school only if the school is authorized or approved to confer professional degrees by this state, registers with the Committee and files such reports, notices and certifications as may be required by this Rule XIX concerning any person, hereinafter referred to as "California applicant," whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

Section 7. Every unaccredited law school in California shall file the following reports and maintain the following records:

- (1) The school shall register with the Committee, on a form provided by the Committee, giving all the information required by such form. If the school was giving instruction in law at any time between October 8, 1975 and January 2, 1976, it shall register on or before March 1, 1976. If the school intends to commence instruction in law at any time on or after January 2, 1976, it shall file a Notice of Intention to Commence Instruction in Law on a form provided by the Committee not less than 30 days prior to commencing such instruction and shall register with the Committee, on a form provided by the Committee, within 30 days after commencing instruction in law.
- (2) The school shall file an annual report with the Committee, on a form provided by the Committee, giving all the information required by such form. The report will be due on November 15 of each calendar year, commencing with the year 1976.
- (3) The school shall, within 60 days after the commencement of any semester, quarter or other academic period at which students have been newly admitted, file with the Committee a certification, in the manner and form prescribed by the Committee, of all persons admitted at such academic period.

(4) If, subsequent to the filing of the registration or any annual report, or any other document required to be filed with the Committee by these Rules, there is any change with respect to any matter stated therein that would or might affect the school's compliance with the provisions of Section 6060 of the Business and Professions Code, or Rule 957 of the Rules of the Supreme Court, or any provision of these Rules, the school shall report such change to the Committee within 10 days after the change occurred.

(5) The school shall maintain, at the principal location for the operation of the school, either the records required under Section 5.9 of Rule XVIII, or the records provided for in this Section:

- (a) A file for each person admitted to the school after December 31, 1975, which file shall contain an application signed by the applicant, and proof of applicant's eligibility to commence the study of law under Rule VII hereof in the form of official transcripts of pre-law studies satisfying the requirements of Section 1(a) hereof, or a transcript from an accredited law school showing admission to that law school, or a letter from the Committee evidencing passage of the examination provided for in Section 1(b) hereof;
- (b) A permanent transcript or academic record for each student enrolled in any course after December 31, 1975, showing for each student the course or courses enrolled in during each academic period, the unit value of each such course, the grade received therein, any prior attendance at another law school, any advanced standing or credit allowed on admission, the time or times at which the students took the First-Year Law Students' Examination and the grade received on each such examination;
- (c) A personal history statement, on a form supplied by the Committee, for each person who is, or subsequent to October 8, 1975, has been, an instructor in or administrator of the law school; and
- (d) For each academic year, commencing with the 1975-1976 year, a copy of:
 - (i) the bulletin of the law school;
 - (ii) class schedules;
 - (iii) class lists for each class, showing attendance of each student at each class session;
 - (iv) list of all required and recommended course books for each class;
 - (v) grade sheets showing final grades of all students in all courses; and
 - (vi) each examination given in each course.

Section 8. A correspondence law school providing instruction in law by correspondence to any California applicant, as defined in Section 6, shall:

(1) register with the Committee, on a form provided by the Committee, giving all the information required by such form. If the school was giving instruction in law at any time between October 8, 1975 and January 2, 1976, it shall register on or before March 2, 1976. If the school intends to commence instruction in law at any time on or after January 2, 1976, it shall register not less than 30 days prior to commencing such instruction; and

(2) file with the Committee, on or before November 15 of each calendar year commencing with the year 1976, an annual report on a form provided by the Committee, giving all the information required by such report, and including:

- (i) a certification in the form required by the Committee of the names of all California applicants receiving instruction in law by correspondence;
- (ii) a statement of the school's current curriculum; and

(iii) copies of all its literature, booklets and other informational materials containing any advice concerning the requirements to be satisfied with respect to eligibility to take the California Bar Examination.

Section 9.

- (a) Any registration or report required to be filed hereunder shall be filed as follows: two copies shall be sent to the San Francisco office of the Committee, attention Consultant to the Committee and two copies shall be sent to the Los Angeles office of the Committee, attention Director for Operations and Management.
- (b) Every unaccredited law school in California shall be open to visitation and inspection by the Committee at any time that the school is open either for the conduct of classes or for any other purpose. Any visitation to or inspection of a law school and its records may be made by one or more members of the Committee, the Senior Executive for Admissions or other staff appointed by the Senior Executive for Admissions, the Consultant to the Committee, or such other person or persons as the Committee may designate for that purpose.

Section 10.

- (a) If it appears to the Committee, either from the registration or report of the school, or from a visitation to or inspection of the school, that the school does not comply with the requirements of Section 6060 of the Business and Professions Code, or Rule 957 of the Supreme Court of California, or of the provisions of these Rules, a written statement will be sent to the school specifying the matters in which the school appears not to be in compliance. If there has been a visitation to or inspection of the school, a copy of the report of such visitation or inspection will be sent with the written statement. The school may file a written response to the statement within 15 days after receipt and in that response shall advise the Committee whether it agrees or disagrees with each specification in the statement. If the school agrees with any specification, it shall state in the response what it is doing to correct the matter or matters in which it is not complying. If the school disagrees with any specification, it shall, with its response, file its own written statement of the factual matters supporting its position and shall advise the Committee whether it requests an oral hearing.
- (b) If no response is timely filed, or if filed and no oral hearing is requested, the Committee shall determine the matter of the school's compliance on the record before the Committee. If an oral hearing is requested, the Committee shall promptly set the matter for hearing and following the hearing determine the matter of the school's compliance on the entire record before the Committee including any materials presented at the hearing. The school shall be promptly sent a copy of the Committee's determination.
- (c) If the Committee makes a determination of non-compliance, that determination shall include a statement of the credit, if any, allowable under paragraph (f) of Rule 957 to persons studying at the school and the school shall mail or give a copy of the Committee's determination to every person enrolled in the school. The Committee, in its discretion, may do any or all of the following with respect to the text of its determination, namely, cause it to be:
 - (i) published;
 - (ii) sent to students enrolled in the school;
 - (iii) sent to the Supreme Court of California; and/or
 - (iv) sent to the Attorney General of the State of California.

RULE XX. Disclosure Statement

Section 1. Each law school in the state of California that is not accredited by the Committee and each school registered with the Committee as providing instruction by correspondence to any California applicant (as defined in Rule XIX, Section 6) shall provide each student in the school with a disclosure statement, subsequent to the payment of any application fee but prior to the payment of any registration fee, containing all of the following information:

(1) The school is not accredited. If the school has been approved by other agencies, that fact may be stated.

(2) If the school has not been in operation for 10 years, the assets and liabilities of the school. If the school has had prior affiliation with another school that has been in operation more than 10 years, or has been under the control of another school that has been in operation more than 10 years, or has been a successor to a school in operation more than 10 years, the requirements of this subdivision do not apply.

(3) The number and percentage of students who have taken and who have passed the First-Year Law Students' Examination and the Final Bar Examination in the previous five years, or since the establishment of the school, whichever time is less, which shall include only those students who have been certified by the school to take the examinations. This subdivision does not apply to correspondence schools.

(4) The number of legal volumes in the library. This subdivision does not apply to correspondence schools.

(5) The educational background, qualifications and experience of the faculty, and whether or not the faculty members and administrators (e.g., the dean) are members of the California State Bar.

(6) The ratio of faculty to students for the previous five years or since the establishment of the school, whichever time is less. This subdivision does not apply to correspondence schools.

(7) Whether the school has applied for accreditation and, if so, the date of application and whether or not that application has been withdrawn, is currently pending, or has been finally denied. The school need only disclose information relating to applications made in or pending during the previous five years.

(8) The education provided by the school may not satisfy the requirements of other states for admission to the practice of law and applicants should inquire regarding those requirements, if any, of the state in which they may wish to practice.

Section 2. The disclosure statement required by this Rule XX shall be signed by each student, who shall receive as a receipt a copy of his or her signed disclosure statement. If any school does not comply with these requirements, it shall make a full refund of all fees paid by students.

Section 3. The school shall, at the time of registration of each new student and prior to receipt of any fee or tuition for each semester, quarter or other academic period, from each returning student, provide the student with a correct disclosure statement.

Section 4.

(1) On or before the first Monday in August in each calendar year, the school shall file with the Committee in its San Francisco office, three copies of the disclosure statement it is providing, or intends to provide, to students during any academic period commencing after July 1 of that same calendar year and before July 1 of the following calendar year.

(2) If the school claims that any of the provisions of Section 1 are not applicable to it, the school shall, at the time of filing its disclosure statement, attach a statement setting forth the reason or reasons therefore.

(3) If the Committee determines that the disclosure statement is incomplete or inaccurate in any respect, or that the school did not supply every student with a complete and accurate disclosure statement, the Committee will notify the school and direct the school to:

(i) correct the statement;

(ii) advise all persons who have paid any fees or tuition (other than an application fee) for the current year of the change or changes; and

(iii) offer to refund in full all fees (other than an application fee) and tuition for the academic period or periods for which the student did not receive a disclosure statement or received an incorrect disclosure statement.

(4) If, at any time, there is a change in any of the matters set forth in the school's disclosure statement, the school shall, within 10 days of such change, provide each student then registered in the school, with a correct disclosure statement and file three copies of the corrected disclosure statement with the Committee in its San Francisco office.

Section 5. If the school does not accept the determination of the Committee as provided in Section 4, or does not otherwise fully comply with the disclosure provisions of this Rule XX or if the school or its representatives make any statement or representation which such person knows, or reasonably should have known to be false, deceptive, inaccurate or misleading to the Committee or its representatives in any of the reports or filings required by the Committee or its Rules, such failure to disclose or representations shall be considered as grounds for removing the school from the list of schools registered with the Committee and the Committee will recommend to the Board of Governors such action as in the opinion of the Committee is necessary or desirable to obtain compliance.

*Adopted by the Committee of Bar Examiners December 11, 2004
and Approved by the State Bar Board of Governors on March 5, 2005*